

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 6505 OF 2007**

|                                   |   |                |
|-----------------------------------|---|----------------|
| M/s. Maniram Enterprises          | ] | .. Petitioner  |
| Versus                            |   |                |
| 1. The Managing Director, The     | ] |                |
| Maharashtra Fisheries Development | ] |                |
| Corporation Limited & Anr.        | ] | .. Respondents |

**ALONGWITH**

**WRIT PETITION NO. 6506 OF 2007**

|                                   |   |                |
|-----------------------------------|---|----------------|
| M/s. Bharati Oil Depot.           | ] | .. Petitioner  |
| Versus                            |   |                |
| 1. The Managing Director, The     | ] |                |
| Maharashtra Fisheries Development | ] |                |
| Corporation Limited & Anr.        | ] | .. Respondents |

**WITH**

**WRIT PETITION NO. 6515 OF 2007**

|                                   |   |                |
|-----------------------------------|---|----------------|
| M/s. Sun Enterprises              | ] | .. Petitioner  |
| Versus                            |   |                |
| 1. The Managing Director, The     | ] |                |
| Maharashtra Fisheries Development | ] |                |
| Corporation Limited & Anr.        | ] | .. Respondents |

**WRIT PETITION NO. 6517 OF 2007**

|                                   |   |                |
|-----------------------------------|---|----------------|
| M/s. Mayur Fishing Corporation    | ] | .. Petitioner  |
| Versus                            |   |                |
| 1. The Managing Director, The     | ] |                |
| Maharashtra Fisheries Development | ] |                |
| Corporation Limited & Anr.        | ] | .. Respondents |

**AND**

**WRIT PETITION NO.6545 OF 2007**

|                                   |   |                |
|-----------------------------------|---|----------------|
| M/s. Sagar Fisheries Enterprises  | ] | .. Petitioner  |
| Versus                            |   |                |
| 1. The Managing Director, The     | ] |                |
| Maharashtra Fisheries Development | ] |                |
| Corporation Limited & Anr.        | ] | .. Respondents |

Mr. A.Y. Sakhare, senior counsel with Mr. A.B. Vagyani for the petitioners.

Mr. R.R. Arolkar for the respondent No.1.

Mr. C.R. Sonawane, AGP, for the respondent No.2.

**CORAM: S.B. MHASE &  
D.G. KARNIK, JJ.**

**DATED: 17TH SEPTEMBER, 2007**

**P.C. :**

1. Heard learned counsel for the petitioners. As all the petitioners have challenged the same order, all the petitions are being disposed of by this common order.

2. By these Petitions, the petitioners challenge the decision of the respondent No.1 to cancel the tender process initiated under its tender notice copy of which is at Exhibit-A to the Petition. In our view, the issuance of a tender notice is only an invitation to an offer. Each of the petitioners in these Petitions submitted separate bids/tenders. Each of it amounted to an offer. Even before the opening of the financial bids, the tender process has been cancelled. Thus, there has been no contract at all. There is no law that the tender process must be completed to an end and

cannot be withdrawn/halted half way through.

3. Learned counsel for the petitioners, however, submitted that the tender process has been cancelled with a view to favour certain interested persons in awarding of the contracts. The allegations made in paragraph 11 of the Petition regarding this allegation are too vague and except for stating that the Managing Director was interested in awarding contracts to the persons who did not follow the tender conditions, no other details of the alleged malafides have been furnished in the petitions. In the circumstances, we are not at all satisfied that there are even valid averments of malafides.

4. Writ Petitions are, accordingly, rejected summarily.

Sd/-  
[D.G. KARNIK, J.]

Sd/-  
[S.B. MHASE, J.]